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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Interconnection and Resale) CC Dkt. No. 94-54
Obligations Pertaining to)
Commercial Mobile Radio)
Services)

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS OF IN-FLIGHT PHONE CORPORATION

Fifty parties commented on the FCC's proposals, but not one asked the agency to mandate that 800 MHz air-ground licensees either permit other CMRS licensees to interconnect with the air-ground licensee's facilities or provide roaming capability. By contrast, three commenters -- In-Flight, GTE, and AT&T -- explained in detail why sound policy requires that the FCC exempt air-ground licensees from any requirements on these subjects.

In addition, just one of the 50 commenters -- Ameritech -- asked the Commission to force air-ground licensees to permit resale of their air-ground service. Yet Ameritech devoted exactly one sentence to this subject and offered no rationale for its request.^{1/} By contrast, In-Flight, GTE, and AT&T each have explained at length why there is no justification for a new government rule forcing air-ground licensees to permit would-be resellers to purchase their service.^{2/}

^{1/} Ameritech Comments at 6.

^{2/} In-Flight Comments at 5-8; GTE Comments at 18-22; AT&T Comments at 26-27.

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While a superficial reading of the comments of a few parties besides Ameritech might lead one to conclude that they too want a rule mandating provision of service to resellers by all CMRS licensees, a closer reading shows that they would exempt air-ground licensees from any such rule. For example, while New Par introduces its discussion of resale with a heading stating that the resale obligation should be extended to all CMRS providers, in the discussion of resale which follows the heading New Par makes clear that it believes the Commission should mandate resale only by "all cellular-like CMRS providers."^{3/} Air-ground service is not a "cellular-like" service. Likewise, although CTIA superficially seeks a resale mandate for all CMRS licensees, it goes on to make clear that a CMRS licensee should be required to serve would-be resellers only "if the consumer perceives the services provided . . . [by the CMRS licensee] as reasonable substitutes" for cellular service since cellular licensees already are required to serve resellers.^{4/} Air-ground service plainly is not a "reasonable substitute" for cellular service, and CTIA does not argue otherwise. Finally, although the Rural Cellular Association ("RCA") appears on the surface to advocate adoption of a rule mandating all CMRS to serve resellers, in fact it does not given that its request is based on the belief that all customers should be entitled to purchase a CMRS licensee's service under the same bulk-rate dis-

^{3/} New-Par Comments at 22.

^{4/} CTIA Comments at 24.

count.^{5/} Since air-ground licensees do not offer service on a bulk-rate discount basis, RCA obviously does not advocate a new rule requiring air-ground licensees to serve would-be resellers.

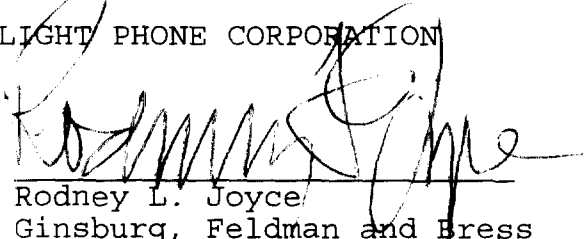
CONCLUSION

The FCC should exempt air-ground licensees from any regulations requiring CMRS licensees to interconnect their facilities with the facilities of other CMRS licensees. It also should exempt air-ground licensees from any regulations requiring CMRS licensees to provide service to resellers and to provide roaming capability.

Respectfully submitted,

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Dated: July 14, 1995

^{5/} Rural Cellular Association Comments at 8-10.

CERTIFICATE OF SERVICE

I certify that a copy of the attached "Reply Comments of In-Flight Phone Corporation" was mailed by first class mail to each of the following on July 14, 1995:

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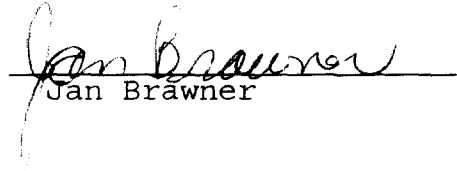
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